

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

STABILIZED BONE GRAFT

the specification of which:

___ is attached hereto

X was filed on August 11, 2006 as Application Serial No. 10/589,226.

___ was filed as PCT international application No. _____,
on _____ and was amended under PCT Article 19
on _____ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

(Number) (Country)

(Day/Month/Year/Filed) Yes No

(Number) (Country)

(Day/Month/Year/Filed) Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Application Serial No.)</u>	<u>(filing date)</u>	<u>Pending</u> <u>(status-patented, pending, abandoned)</u>
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PCT Applications designating the United States:

<u>PCT/US2005/003092</u> (PCT Appl. No.)	<u>January 27, 2005</u> (filing date)	<u>Pending</u> (status-patented, pending, abandoned)
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

<u>60/539,555</u> (Application Serial No.)	<u>January 27, 2004</u> (filing date)	<u>Expired</u> (status-patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

- 1) Full name of first inventor: David Knaack
Inventor's signature: _____ Date: _____
Mailing Address: 10 Beekman Terrace, Summit, NJ 07901
Citizenship: USA
Residence (if different from mailing address): City: _____ State: _____
- 2) Full name of second inventor: Michele Diegmann
Inventor's signature: Michele Diegmann Date: 11/17/04
Mailing Address: 18 Donsen Lane, Scotch Plains, NJ 07076
Citizenship: USA
Residence (if different from mailing address): City: _____ State: _____
- 3) Full name of third inventor: Albert Manrique
Inventor's signature: _____ Date: _____
Mailing Address: 8 Winthrop Drive, Manalapan, NJ 07726
Citizenship: USA
Residence (if different from mailing address): City: _____ State: _____

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Provisional Application(s):

<u>60/539,555</u>	<u>January 27, 2004</u>	<u>Expired</u>
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Inventor's signature: _____ Date: _____

Mailing Address: 10 Beekman Terrace, Summit, NJ 07901

Citizenship: USA

Residence (if different from mailing address): City: _____ State: _____

2) Full name of second inventor: Michele Diegmann

Inventor's signature: _____ Date: _____

Mailing Address: 18 Donsen Lane, Scotch Plains, NJ 07076

Citizenship: USA

Residence (if different from mailing address): City: _____ State: _____

3) Full name of third inventor: Albert Manrique

Inventor's signature:  Date: 12/5/06

Mailing Address: 8 Winthrop Drive, Manalapan, NJ 07726

Citizenship: USA

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Inventor's signature:  Date: 12/7/06
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- 2) Full name of second inventor: Michele Diegmann
Inventor's signature: _____ Date: _____
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Residence (if different from mailing address): City: _____ State: _____
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Inventor's signature: _____ Date: _____
Mailing Address: 8 Winthrop Drive, Manalapan, NJ 07726
Citizenship: USA
Residence (if different from mailing address): City: _____ State: _____

ATTORNEY'S DOCKET NUMBER: 2004367-0111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Knaack <i>et al.</i>	Examiner:	Not Yet Assigned
Serial No.:	10/589,226	Art Unit:	Not Yet Assigned
Filing Date:	August 11, 2006		
Title:	STABILIZED BONE GRAFT		

Mail Stop MISSING PARTS
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

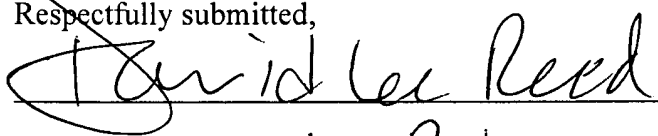
APPOINTMENT OF ATTORNEY

The undersigned hereby appoints the attorneys and agents associated with **Customer No. 24280** as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to:

Patent Department
Choate, Hall & Stewart LLP
Two International Place
Boston, Massachusetts 02110

Respectfully submitted,



Name David Lee Reed

Title Senior Director, Legal Affairs & Corporate Sec'y.

On behalf of Osteotech, Inc.

Dated: Nov. 17, 2006

ATTORNEY'S DOCKET NUMBER: 2004367-0111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Knaack <i>et al.</i>	Examiner:	Not Yet Assigned
Serial No.:	10/589,226	Art Unit:	Not Yet Assigned
Filing Date:	August 11, 2006		
Title:	STABILIZED BONE GRAFT		

Mail Stop MISSING PARTS
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION
(37 C.F.R. § 3.73(b))

The assignee of the entire right, title and interest, **Osteotech, Inc.**, hereby seeks to take action in the Patent and Trademark Office in the above-referenced matter.

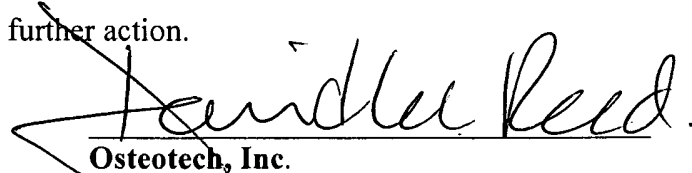
Ownership by the assignee is established as follows:

_____ documents already recorded in the PTO on _____
Reel _____ Frame _____

X documents separately submitted for recordal to the PTO (a copy of these documents is attached).

STATEMENT

I, a person authorized to sign on behalf of the assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as assignees who seek to take further action.


Osteotech, Inc.

Name: David Lee Reed

Title: Sr Director, Legal Affairs and Corporate Secretary

Date: Nov. 17, 2006

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned, **David Knaack** of Summit, New Jersey; **Michele Diegmann** of Scotch Plains, New Jersey; and **Albert Manrique** of Manalapan, New Jersey; hereby

Sells, assigns and transfers to **Osteotech, Inc.**, having a place of business at 51 James Way, Eatontown, New Jersey, 07724, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, his/her entire right, title and interest for the United States and all foreign countries; in and to any and all inventions which are disclosed in the application for United States Letters Patent entitled

STABILIZED BONE GRAFT

filed **August 11, 2006**, and given serial number **10/589,226**, in and to said application and all divisional, continuing, substitute, renewal, reissue, reexamination or other application for Letters Patent which has been or shall be filed in the United States or any foreign country on any of said inventions, and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agrees that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name and when requested, without charge to but at the expense of said ASSIGNEE, agrees to carry out in good faith the intent and purpose of this Assignment by executing all divisional, continuing, substitute, renewal, reissue, reexamination and all other patent applications on any and all said inventions; by executing all rightful declarations, oaths, assignments and other papers; by communicating to said ASSIGNEE all facts known to him/her relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE. Each of the undersigned also hereby appoints ASSIGNEE as its common agent for purposes of prosecuting international patent applications and any material patent applications for which such common agency is recognized.

Hereby requests the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenants with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by him/her, and that full right to convey the same as herein expressed is possessed by him/her.

Dated: _____

David Knaack

Dated: _____

Witnessed by:

Dated: _____

Witnessed by:

Dated: 11/17/06

Michele Diegmann
Michele Diegmann

Dated: 11/17/06

Jay Keys
Witnessed by:

Dated: 11/17/06

Valerie Brooks
Witnessed by:

Dated: _____

Albert Manrique

Dated: _____

Witnessed by:

Dated: _____

Witnessed by:

ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned, **David Knaack** of Summit, New Jersey; **Michele Diegmann** of Scotch Plains, New Jersey; and **Albert Manrique** of Manalapan, New Jersey; hereby

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STABILIZED BONE GRAFT

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Agrees that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name and when requested, without charge to but at the expense of said ASSIGNEE, agrees to carry out in good faith the intent and purpose of this Assignment by executing all divisional, continuing, substitute, renewal, reissue, reexamination and all other patent applications on any and all said inventions; by executing all rightful declarations, oaths, assignments and other papers; by communicating to said ASSIGNEE all facts known to him/her relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE. Each of the undersigned also hereby appoints ASSIGNEE as its common agent for purposes of prosecuting international patent applications and any material patent applications for which such common agency is recognized.

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Dated: _____

David Knaack

Dated: _____

Witnessed by:

Dated: _____

Witnessed by:

Dated: _____

Michele Diegmann

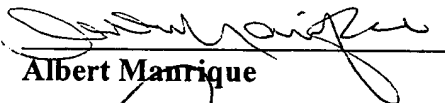
Dated: _____

Witnessed by:

Dated: _____

Witnessed by:


Dated: 12/5/06


Albert Manrique

Dated: 12/5/06

Witnessed by: **DR. ANN FREWEN**

Dated: 12/6/06


Witnessed by: **CORINNA LOCHEL**

ASSIGNMENT

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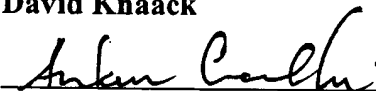
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Dated: 12/4/06


David Knaack

Dated: 12/4/06


Witnessed by: ANKUR GANDHI

Dated: 12/4/06


Witnessed by: NATASHA YAJMK

Dated: _____

Michele Diegmann

Dated: _____

Witnessed by:

Dated: _____

Witnessed by:

Dated: _____

Albert Manrique

Dated: _____

Witnessed by:

Dated: _____

Witnessed by:

ATTORNEY'S DOCKET NUMBER: 2004367-0111

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Knaack <i>et al.</i>	Examiner:	Not Yet Assigned
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Mail Stop MISSING PARTS
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

WRITTEN ASSERTION OF SMALL ENTITY STATUS
UNDER 37 C.F.R. § 1.27(a)(2)
SMALL BUSINESS CONCERN

The undersigned hereby asserts entitlement to small entity status as a small business concern under 37 C.F.R. §1.27(a)(2) on behalf of Osteotech, Inc.

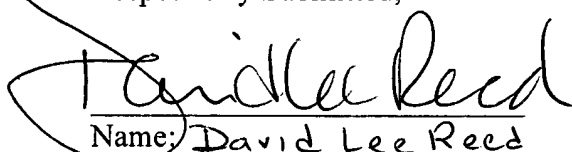
This assertion is made on the ground that Osteotech, Inc. is a concern

(a) whose number of employees, including affiliates, does not exceed 500 persons;
and

(b) that *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 C.F.R. §1.27,

as set forth in 37 C.F.R. §1.27.

Respectfully Submitted,



Name: David Lee Reed

Title: Senior Director, Legal Affairs & Corporate Sec'y.

Date: 11/17/06